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March 27, 2015

Ms. Leslie Patterson, Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Boulevard (SR-6J)
Chicago, IL 60604-3590

**RE: Request for Information Pursuant to Section 104(e) of CERCLA:
South Dayton Dump and Landfill Site in Moraine, Ohio**

Dear Ms. Patterson:

On behalf of Waste Management of Ohio, Inc., enclosed is its response to U.S. EPA's above-referenced information request.

Sincerely,

QUARLES & BRADY LLP

William H. Harbeck

WHH:skl

cc: Michelle Gale
James Forney

Response of Waste Management of Ohio, Inc. ("WMO") to the U.S. Environmental Protection Agency's ("U.S. EPA") Request for Information Pursuant to 42 U.S.C. § 9604(e) Pertaining to the South Dayton Dump and Landfill Site in Moraine, Ohio

PRELIMINARY STATEMENT

U.S. EPA's January 16, 2015 Special Notice Letter and Request for Information for the South Dayton Dump & Landfill Site in Moraine, Ohio (the "SDD Site") noted that Respondents who had received a similar Information Request in the past regarding the SDD Site could update their response by responding to the Request attached to EPA's notice letter. On March 29, 2002 U.S. EPA sent to WMO a Section 104(e) Request for Information concerning the SDD Site to which WMO responded on June 3, 2002. WMO fully incorporates by reference its June 3, 2002 CERCLA Section 104(e) Response to EPA.

Over the years, WMO and affiliated entities, as well as other parties, have responded to a number of other Section 104(e) requests from U.S. EPA and Ohio EPA relating to several other sites in and around the Dayton, Ohio area. In connection with the previous responses to these Section 104(e) requests, WMO and its affiliates, and others such as Danis Environmental Services, have previously provided to these agencies extensive information, thousands of pages of documents, and a large number of transcripts of testimony by many current or former employees comprehensively setting forth the transportation and disposal of waste generated by various customers, the various sites used for disposal of that waste in Ohio, and related topics. *WMO incorporates by reference as its response to this 104(e) request its (and its affiliates') responses to these prior 104(e) requests and related submissions and also refers U.S. EPA to the prior 104(e) responses and submissions by others pertaining to these other sites.* These responses and submissions include but are not necessarily limited to the following:

Tremont City Landfill Site and CWMI Springfield Site

1. 1/12/87 Chemical Waste Management, Inc. 104(e) Response to U.S. EPA Regarding Springfield, Ohio Facility
2. 4/6/02 Waste Management 104(e) Response to U.S. EPA regarding Tremont City Landfill Site
3. 4/22/04 WMO and SC Holdings, Inc. 104(e) Response to U.S. EPA regarding Tremont City Landfill Site

Valleycrest Landfill (a/k/a North Sanitary Landfill)

1. 3/5/93 WMO 104(e) Response to Ohio EPA on behalf of Industrial Waste Disposal Co., Inc. ("IWD")
2. 3/5/93 WMO 104(e) Response to Ohio EPA on behalf of Blaylock Trucking Company, Inc.
3. 3/5/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.

4. 3/30/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.
5. 4/16/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
6. 5/11/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
7. 5/27/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
8. 7/13/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
9. 8/16/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
10. 9/28/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.
11. 1/27/93 Danis Environmental Services, Inc. ("Danis") 104(e) Response to Ohio EPA
12. 5/4/93 Danis 104(e) Supplemental Response to Ohio EPA
13. 7/16/93 Danis 104(e) Supplemental Submission to Ohio EPA

Miami County Incinerator

1. 8/7/85 Industrial Waste Disposal Co., Inc. ("IWD") Response to U.S. EPA 104(e) Request
2. 11/4/88 IWD Response to U.S. EPA 104(e) Request
3. 2/17/89 IWD Supplemental Response to U.S. EPA 104(e) Request
4. 8/16/89 IWD Supplemental Response to U.S. EPA 104(e) Request
5. 4/24/92 IWD Response to U.S. EPA Additional 104(e) Request
6. 7/10/92 IWD Supplemental Response to U.S. EPA 104(e) Request

Cardington Road Site (Sanitary Landfill Company)

1. 6/29/87 Smith & Schnacke 104(e) Response Letter to U.S. EPA (on behalf of Waste Management, IWD, Blaylock Trucking Company, Inc., and Koogler-Suburban Refuse Removal Company)
2. 9/17/87 Smith & Schnacke Supplemental 104(e) Response Letter to U.S. EPA regarding IWD
3. 9/8/92 WMO Supplemental 104(e) Response to U.S. EPA regarding IWD

4. 8/11/95 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 7/25/95 Affidavit of Dave Coble
 - (b) 8/1/95 Affidavit of Joe Smart
 - (c) 8/6/95 Affidavit of Kenny Compton
5. 8/21/95 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 8/16/95 Supplemental Affidavit of Dave Coble
 - (b) 8/16/95 Affidavit of Ray Davis
6. 1/22/96 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 1/10/96 Affidavit of Tom Koogler
 - (b) 1/13/96 Affidavit of Bill Fournier

Powell Road Landfill

1. 11/1/85 SCA Services of Ohio, Inc. Response to U.S. EPA 104(e) Request.
2. 8/18/89 Waste Management of North America, Inc. Response to Information Request from Resource Applications, Inc.

Finally, as U.S. EPA is aware, the SDD Site has been the subject of several lawsuits, one of which is pending in the Federal Court, Southern District of Ohio (collectively, the "Hobart Litigation") (*Hobart Corporation, et al. v. The Dayton Power and Light Company, et al.*, 3:13-CV-00115). Numerous witnesses have been deposed in the Hobart Litigation and have testified regarding the activities and operations at the SDD Site, various entities that took waste or materials to the SDD Site, and the type of waste or materials taken to the SDD Site by those entities.

GENERAL OBJECTIONS TO INSTRUCTIONS, DEFINITIONS QUESTIONS

1. WMO objects to this Information Request to the extent it seeks information or documents that are unrelated to the SDD Site as being overbroad, unreasonable, unduly burdensome, and unauthorized by the provisions of Section 104(e) of CERCLA.

2. WMO objects to this Information Request on the grounds that its temporal and geographical scope are overbroad, unreasonable, unduly burdensome, and unauthorized by Section 104(e) of CERCLA. While none of the questions themselves contain a temporal or geographical limitation, U.S. EPA has advised the parties that it is willing to limit the time frame covered by the questions to the period from 1941-1996, and to limit the geographical scope of the questions to Respondents' facilities or operations within fifty (50) miles of the SDD Site. WMO continues to object to the questions on the same grounds as (i) it is unaware of any evidence, nor has U.S. EPA provided any, reflecting that the SDD Site was open and being used

for waste disposal during the entire 1941-1996 time frame, and (ii) because the 50 mile geographical range limitation does not remedy the over broadness or burden imposed by seeking the broad range of information that is unrelated to the SDD Site.

3. WMO objects to Instruction 7 to the extent it seeks to extend WMO's obligation to provide information or identify or produce documents not in WMO's possession, custody, or control.

4. WMO objects to Instructions 3, 8, and 10 on the grounds that they impose burdens on WMO not required by Section 104(e) of CERCLA.

5. WMO objects to Definition 4 (defining the term "facility" as "property . . . located within the area of interest for the SDD Site") on the grounds that the phrase "area of interest for the SDD Site" is not defined, vague, and potentially overbroad and unduly burdensome.

RESPONSES TO SPECIFIC QUESTIONS

1. **Identify all persons consulted in the preparation of the answers to these questions.**

RESPONSE TO QUESTION 1:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

2. **Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.**

RESPONSE TO QUESTION 2:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being unduly burdensome and overreaching.¹ In connection with its June 3, 2002 Section 104(e) Response and the previous 104(e) responses provided by WMO and its affiliates relating to various Dayton area landfills and sites (See Preliminary Statement), numerous documents were reviewed to determine relevance and responsiveness to those requests. All documents available that were responsive to those requests were provided.

Subject to and without waiving these Objections, as it relates to the SDD Site, WMO incorporates by reference its June 3, 2002 Section 104(e) Response. In addition, WMO has reviewed transcripts of depositions taken in the Hobart Litigation.

3. **If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.**

¹ General Objections and specific objections made in response to any request shall hereinafter collectively be referred to as "Objections."

RESPONSE TO QUESTION 3:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

4. **Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.**

RESPONSE TO QUESTION 4:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

Subject to and without waiving its Objections, WMO also refers to its written discovery responses and Rule 26 Disclosures in the Hobart Litigation, copies of which are attached hereto as Bates Numbers WMO-EPA00001 - WMO-EPA00093.

5. **State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.**

RESPONSE TO QUESTION 5:

WMO incorporates by reference its General Objections. WMO states that it has no information that it sent, brought, or moved drums and/or hazardous materials to or at the SDD Site.

6. **Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.**

RESPONSE TO QUESTION 6:

WMO incorporates by reference its General Objections. In addition, WMO refers to depositions taken in the Hobart Litigation.

PERMITS/REGISTRATIONS

7. **List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.**

RESPONSE TO QUESTION 7:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement and its June 3, 2002 Section 104(e) including its Response to Question No. 4 regarding its EPA Identification Number.

8. **Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.**

RESPONSE TO QUESTION 8:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

9. **Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?**

RESPONSE TO QUESTION 9:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

10. **List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.**

RESPONSE TO QUESTION 10:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

11. **Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.**

RESPONSE TO QUESTION 11:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response including Response 4, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

12. **Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.**

RESPONSE TO QUESTION 12:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE
OF WASTE (INCLUDING BY-PRODUCTS)**

13. **Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.**

RESPONSE TO QUESTION 13:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 13 appears to be addressed to generators, manufacturers, or similar entities that generate or produce waste as a result of their industrial or commercial manufacturing or production operations, and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in any Hobart Litigation deposition testimony.

14. **Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:**
- a. **the type of container (e.g. 55 gal. drum, dumpster, etc.);**
 - b. **the colors of the containers;**
 - c. **any distinctive stripes or other markings on those containers;**
 - d. **any labels or writing on those containers (including the content of those labels);**
 - e. **whether those containers were new or used; and**
 - f. **if those containers were used, a description of the prior use of the containers.**

RESPONSE TO QUESTION 14:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 14 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question and its subparts do not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

15. **For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.**

RESPONSE TO QUESTION 15:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 15 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

As to the last sentence of Question 14, WMO has not located any correspondence or records of communication between it and the individuals listed.

16. **Provide copies of such contracts and other documents reflecting such agreements or arrangements.**
- g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.**
 - h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).**
 - i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.**
 - j. For each type of waste specify which Waste Carrier picked it up.**
 - k. For each type of waste, state how frequently each Waste Carrier picked up such waste.**
 - l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).**
 - m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.**
 - n. Provide copies of all documents containing information responsive to the previous seven questions.**
 - o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:**
 - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);**
 - ii. names or markings on the vehicles; and**
 - iii. the color of such vehicles.**
 - j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.**
 - k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.**
 - l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.**

- m. Describe how Respondent managed pickups of each waste, including but not limited to:**

 - i. the method for inventorying each type of waste;**
 - ii. the method for requesting each type of waste to be picked up;**
 - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;**
 - iv. the amount paid or the rate paid for the pickup of each type of waste;**
 - v. the identity of (see Definitions) Respondent's employee who paid the bills; and**
 - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.**
- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.**
- o. State the basis for and provide any documents supporting the answer to the previous question.**
- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:**

 - i. the nature and chemical composition of each type of waste;**
 - ii. the dates on which those wastes were disposed;**
 - iii. the approximate quantity of those wastes disposed by month and year;**
 - iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and**
 - v. whether and what pretreatment was provided.**
- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.**
- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the SDD Site. Provide all documents which support or memorialize your response.**

RESPONSE TO QUESTION 16:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 16 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question and its subparts do not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

RESPONDENT'S ENVIRONMENTAL REPORTING

17. **Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.**

RESPONSE TO QUESTION 17:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 17 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

18. **Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.**

RESPONSE TO QUESTION 18:

WMO objects to Request 18 on the grounds that it refers to the Definitions but there is no applicable definition for this request.

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

19. **State the years during which such information was sent/filed.**

RESPONSE TO QUESTION 19:

WMO incorporates by reference its Objections and its Response to Request 18.

20. **Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.**

RESPONSE TO QUESTION 20:

WMO objects to Request 18 on the grounds that it refers to the Definitions but there is no applicable definition for this request.

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

21. **State the years during which such information was sent/filed.**

RESPONSE TO QUESTION 21:

WM incorporates by reference its Objections and its Response to Request 20.

22. **List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.**

RESPONSE TO QUESTION 22:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

23. **Identify the federal and state offices to which such information was sent.**

RESPONSE TO QUESTION 23:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION,
KELSEY-HAYES COMPANY,
NCR CORPORATION,

Plaintiffs,

v.

CASE NO. 3:10-CV-195

WASTE MANAGEMENT OF OHIO, INC.,
et al.,

Defendants.

**DEFENDANT WASTE MANAGEMENT OF OHIO, INC.'S INITIAL RULE 26(a)(1)
DISCLOSURES**

Defendant Waste Management of Ohio, Inc. ("WMO") submits the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. **Rule 26(a)(1)(A)(i).**

WMO states that it has not completed all of its investigation and, therefore, it cannot say with certainty that those individuals listed below are the only individuals likely to have discoverable information supporting its defenses. Subject to and in accordance with the foregoing, WMO identifies the following individuals and their last known addresses:

Dennis Mantel
523 Valley Oak Court
Dayton, OH 45415

Arnold Polley
415 Travis Drive
Riverside, OH 45431

Joseph Smart
5240 Tilbury Road
Dayton, OH 45424

Vernon Vencill
3115 Meyers Tillmann Road
Arcanum, OH 45304

Any attempts to contact the aforementioned individuals or any other current or former employees of IWD/WMO in regard to this matter should be made through William Harbeck, as counsel for WMO.

II. **Rule 26(a)(1)(A)(ii).**

WMO states that it has not completed all of its investigation and, therefore, it does not know certain fundamental information needed to determine precisely which documents in its possession, custody or control may be used to support its defenses. Subject to and in accordance with the foregoing, WMO identifies and attaches hereto the following documents in its possession, custody, or control:

1. WMO's response, dated June 3, 2002, to EPA's Request for Information pertaining to the South Dayton Dump.
2. Correspondence dated May 7, 1980 from Industrial Waste Disposal Company to Dayton Tire & Rubber Company.

III. **Rule 26(a)(1)(A)(iii).**

WMO is not making a claim for damages in this action.

IV. **Rule 26(a)(1)(A)(iv).**

WMO is not aware of the existence of any applicable insurance agreement.

Dated: November 18, 2010.

/s/ William H. Harbeck

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Columbus, Ohio 43215-4294
Telephone: 614-462-5400
Email: jbrody@keglerbrown.com

Attorneys for Defendant
Waste Management of Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Waste Management of Ohio, Inc.'s Initial Rule 26(a)(1) Disclosures was served via email on November 18, 2010 upon counsel of record as reflected in the attached service list.

/s/ Andrea B. Carskadon

Andrea B. Carskadon
Quarles & Brady LLP
411 East Wisconsin Avenue
Suite 240
Milwaukee, WI 53202-4497

SERVICE LIST

<p>Michael A. Cyphert Leslie G. Wolfe Walter & Haverfield 1301 East Ninth Street, Suite 3500 Cleveland, OH 44113-2253 216-928-2897 mcyphert@walterhav.com lwolfe@walterhav.com</p> <p><i>Counsel for Plaintiffs Hobart Corporation, Kelsey Hayes Company, and NCR Corporation</i></p>	<p>Martin H. Lewis Tucker, Ellis & West LLP 1150 Huntington Building 925 Euclid Avenue Cleveland, OH 44115 216-592-5000 mlewis@tuckerellis.com</p> <p><i>Counsel for Defendant Valley Asphalt Co.</i></p>
<p>Mark D. Erzen Mark D. Erzen, P.C. 321 North Clark Street, Fifth Floor Chicago, IL 60654-4769 773-317-2832 Mark.Erzen@ErzenLaw.com</p> <p><i>Counsel for Defendant Cargill, Inc.</i></p>	<p>Steven N. Siegel Murdock Goldenberg Schneider & Groh, LPA 35 East Seventh Street, Suite 600 Cincinnati, OH 45202 513-345-3080 ssiegel@mgsglaw.com</p> <p><i>Counsel for IRG Dayton I LLC</i></p>
<p>David T. Moss Hanna Campbell & Powell 3737 Embassy Parkway Akron, OH 44333 330-670-7300 Dmoss@hcplaw.net</p> <p><i>Counsel for Defendant Bridgestone Firestone Inc., f/k/a Dayton Tire & Rubber Company</i></p>	<p>William D. Wick Wactor & Wick, LLP 100 Grand Avenue, Suite 950 Oakland, CA 94612 510-465-5750 bwick@ww-envlaw.com</p> <p><i>Counsel for Defendant Bridgestone Firestone Inc., f/k/a Dayton Tire & Rubber Company</i></p>
<p>Steven Morris Sherman Vicki J. Wright Krieg DeVault LLP One Indiana Square, Suite 2800 Indianapolis, IN 46204 317-238-6372 vwright@kdlegal.com</p> <p>Robert Eugene Signom, II 420 S. Ludlow Street Suite 250 Dayton, OH 45402 937-224-0224 twin6man@aol.com</p> <p><i>Counsel for Defendant Pharmacia Corporation f/k/a Monsanto Company a/k/a Monsanto Research Company</i></p>	<p>Jack A. Van Kley Van Kley & Walker, LLC 132 Northwoods Blvd. Suite C-1 Columbus, OH 43235 614-431-8900 jvankley@vankleywalker.com</p> <p>Christopher A. Walker Van Kley & Walker, LLC 137 N. Main Street, Suite 316 Dayton, OH 45402 937-226-9000 cwalker@vankleywalker.com</p> <p><i>Counsel for Defendant Cargill, Inc.</i></p>

<p>Frank L. Merrill Drew H. Campbell Anthony M. Sharett Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291 614-227-8871 dcampbell@bricker.com fmerrill@bricker.com asharett@bricker.com</p>	
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Counsel for Defendant Dayton Power & Light Company



Closed Sites Management Department
720 Butterfield Road
Lombard, IL 60148
Phone: 630/572-2979
Fax: 630/218-1596

Fax

To: Deena Sheppard - Johnson	From: Debra A. Kopsky, ^{Paralegal}
U.S. EPA - Region V	Phone: 630/572-2486
Fax: 312/886-6064	Date: June 3, 2002
Phone:	Pages: 20 pages (including cover)
Re: South Dayton Dump, -Moraine, OH CC: Jim Forney, David Winfrey	

Comments:

Attached is Waste Management of Ohio, Inc.'s response to your 104(e) Request for Information regarding the South Dayton Dump, Moraine, Ohio. The original will follow via overnight mail.

Thank you for your patience.

A handwritten signature in cursive script that reads "Debra A. Kopsky".



WASTE MANAGEMENT

Closed Site Management Group
720 Butterfield Road
Lombard, IL 60148
(630) 572-8800
(630) 218-1596 Fax

June 3, 2002

Deena Sheppard-Johnson, SR-6J
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

RE: South Dayton Dump Site, Moraine, Ohio

Dear Ms. Sheppard-Johnson:

Enclosed you will find Waste Management of Ohio, Inc.'s response to the U.S. Environmental Protection Agency's March 29, 2002 Request for Information concerning the above referenced site. Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. on August 31, 1989.

If you have any questions, please call our counsel, David Winfrey at 713/265-1431 or myself at 630/572-2486.

Sincerely,

A handwritten signature in cursive script that reads 'Debra A. Kopsky'.

Debra A. Kopsky
Paralegal

Enclosures

Cc: Jim Fomey (w/enclosures)
David Winfrey (w/enclosures)

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

1. Identify all persons consulted in the preparation of the answers to these questions.

Mr. Thomas Koogler
Area Vice President - OH/KY/WVA Group
Waste Management of Ohio, Inc.
Fairborn, Ohio 45324

Ms. Debra A. Kopsky
Paralegal
Waste Management, Inc.
720 Butterfield Road
Lombard, Illinois 60148

Mr. Joseph Woerner
Controller
Waste Management of Ohio, Inc.
Fairborn, Ohio 45324

All Waste Management employees may be reached through counsel:

Mr. David Winfrey
Waste Management, Inc.
1001 Fannin Street
Houston, Texas 77002
713/265-1431

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

The only documents reviewed for this response were those provided as evidence by the U.S. Environmental Protection Agency. For your convenience, these have been attached as Exhibit A.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional response documents, identify such persons.

Respondent, Waste Management of Ohio, Inc., does not have any reason to believe that there are persons able to provide a more detailed or complete response or provide additional documentation to the questions herein.

4. List the EPA Identification Numbers of the Respondent.

08-57-73-1990

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting there from at the South Dayton Dump Site.

Given the broad nature of this question, in which case, Respondent reserves the right to object without waiving such right through this response. Respondent does not know of any acts or omissions by any person that may have caused the release or the threat of release of hazardous substances, pollutants, or contaminants and damages resulting at the South Dayton Dump Site.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

Respondent will supplement this response should respondent know additional information necessitating supplementation.

6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

Respondent does not know of anybody that would have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

7. Set forth the dates during which the Respondent engaged in any of the following activities:

- a. Generation of hazardous materials which were sent to the South Dayton Dump Site;

Respondent is not now, nor has it ever been, a generator of hazardous materials sent to the South Dayton Dump Site.

- b. Transportation of any material to the South Dayton Dump Site.

Respondent's investigation did not lead to any evidence that Respondent actually transported material to the South Dayton Dump Site.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site. In addition, identify the following:

- a. The persons with whom you or such other persons made such arrangements;

Respondent has been unable to determine that Respondent may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site.

- b. Every date on which such arrangements took place;

See response to Question 8a.

- c. For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

See response to Question 8a.

- d. The owner of the materials or hazardous substances so accepted or transported;

See response to Question 8a.

- e. The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See response to Question 8a.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

- f. All tests, analyses, and analytical results concerning the materials;**

See response to Question 8a.

- g. The person(s) who selected the South Dayton Dump Site as the place to which the materials or hazardous substances were to be transported;**

See response to Question 8a.

- h. The Amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;**

See response to Question 8a.

- i. Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;**

See response to Question 8a.

- j. Whether the materials or hazardous substances involved in each transaction were transhipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;**

See response to Question 8a.

- k. What was actually done to the materials or hazardous substances once they were brought to the South Dayton Dump Site;**

See response to Question 8a.

- l. The final disposition of each of the materials or hazardous substances involved in such transactions.**

See response to Question 8a.

- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal or disposal of the material and hazardous substance involved in each transaction;**

See response to Question 8a.

- n. The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the South Dayton Dump Site, and all markings on such containers;**

See response to Question 8a.

- o. The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;**

See response to Question 8a.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

- p. All documents containing information responsive to a-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;

See response to Question 8a.

- q. All persons with knowledge, information, documents responsive to a-p above.

See response to Question 8a.

9. Identify all liability insurance policies held by Respondent from 1941 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Respondent objects that this request is unduly burdensome and not likely to lead to discovery of funds available to pay response costs.

10. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Respondent is a subsidiary of Waste Management Holdings, Inc., a wholly owned subsidiary of Waste Management, Inc. whose financial statements are available at www.wm.com.

11. If respondent is a Corporation, respond to the following requests:

- a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

Both the articles of incorporation for Industrial Waste Disposal Co., Inc. and the merger agreement whereby Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. have been attached as Exhibit B.

- b. Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

See response to Question 10.

- c. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

See response to Question 10.

- d. Identify the Parent Corporation and all Subsidiaries of the Respondent.

The parent corporation is Waste Management, Inc. A list of subsidiaries are listed in Waste Management, Inc.'s most recent 10-K report which can be found at www.wm.com under "Investor Relations."

12. If Respondent is a Partnership, respond to the following requests:

- a. Provide copies of the Partnership Agreement;

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities;
- d. Identify all subsidiaries of the Respondent.

Respondent is not a Partnership.

13. If Respondent is a Trust, respond to the following requests:

- a. Provide all relevant agreements and documents to support this claim.
- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

Respondent is not a Trust.

EXHIBIT A

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This build notification information is required by Section 107(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 8, 1991.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Form TWA-INDUSTRIAL WASTE DISPOSAL CO. INC.
Attn: (P.O. Box 1453) 9975 WAGNER RD.
City DAYTON State OH Zip 45414

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site SOUTH DAYTON AIRPORT LANDFILL
Form 1976 Springfield Rd.
City MILWAUKEE State WI Zip 53549

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name and Title Quigley, Michael J. A/E MGR
Phone (513) 273-0821

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) _____ To (Year) _____

E Waste Type: Choose the option you prefer to complete.

Option 1: Select general waste types and coloring categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item F—Description of Site.

General Type of Waste:
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

- 1. ☐ Organics
- 2. ☐ Inorganics
- 3. ☐ Solvents
- 4. ☐ Pesticides
- 5. ☐ Heavy metals
- 6. ☐ Acids
- 7. ☐ Alkalis
- 8. ☐ PCBs
- 9. ☐ Mixed Municipal Waste
- 10. ☐ Unknown
- 11. ☐ Other (Specify) _____

Source of Waste:
Place an X in the appropriate boxes.

- 1. ☐ Mining
- 2. ☐ Construction
- 3. ☐ Textiles
- 4. ☐ Fertilizers
- 5. ☐ Paper/Printing
- 6. ☐ Leather Tanning
- 7. ☐ Iron/Steel Foundry
- 8. ☐ Chemical, General
- 9. ☐ Plating/Pollishing
- 10. ☐ Military/Ammunition
- 11. ☐ Electrical Conductors
- 12. ☐ Transformers
- 13. ☐ Utility Companies
- 14. ☐ Sewage/Refuse
- 15. ☐ Photolith
- 16. ☐ Ink/Offset
- 17. ☐ Unknown
- 18. ☐ Other (Specify) _____

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste:
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four digit number in the boxes provided. A copy of the list of hazardous waste and codes can be obtained by contacting the EPA Region covering the State in which the site is located.

000677 JUN-91

Form Approved
OMB No. 2000-0128
EPA Form 8700-1

JUN 15 1991

Notification of Hazardous Waste Site

Site Type

F Waste Quantity:

Place an X in the appropriate boxes to indicate the facility types found at the site.

In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.

In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.

Facility Type

1. ☐ Piles
2. ☐ Land Treatment
3. ☒ Landfill
4. ☐ Tanks
5. ☐ Impoundment
6. ☐ Underground Injection
7. ☐ Drums, Above Ground
8. ☐ Drums, Below Ground
9. ☐ Other (Specify)

Total Facility Waste Amount

cubic feet

gallons

Total Facility Area

square feet

acres

G Known, Suspected or Likely Releases to the Environment:

Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment.

☐ Known ☐ Suspected ☐ Likely ☐ None

Note: Items H and I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

I Description of Site: (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

J Signature and Title:

The person or authorized representative (such as plant manager, superintendent, trustee or attorney) of persons required to notify must sign the form and provide a mailing address (if different than address in Item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site or the person required to notify. If you are not required to notify check "Other".

Name

Street

City

State

Zip Code

Signature

Date

- ☐ Owner, Present
☐ Owner, Past
☒ Transporter
☒ Operator, Present
☐ Operator, Past
☐ Other

SEE LETTER ATTACHED

6- copies



INDUSTRIAL WASTE DISPOSAL CO., INC.
P.O. BOX 1453 3875 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

June 9, 1981

USEPA Region V
Site Notification
Chicago, Illinois 60604

RE: Industrial Waste Disposal Co., Inc. - Disposal Sites

Dear Sirs:

Section 101(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities. Industrial Waste Disposal Co., Inc. ("IWD") has transported commercial, industrial, and municipal solid wastes to the sites listed on the attached appendix. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to file a notification when one is required, IWD is submitting this letter to fulfill its reporting obligation under Section 101(c) of the Superfund.

~~We are not in possession of reasonably available records which would indicate the specific areas, types and quantities of "hazardous" wastes disposed at these sites. Moreover, because any such hazardous wastes would have been disposed of in connection with much larger quantities of solid waste, which EPA has classified as non-hazardous, there are no reasonably available records which would accurately reflect quantities of hazardous waste which might have been delivered to these sites. However, we believe the preponderance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste.~~

If you would like further information concerning this matter, please contact me.

Sincerely,

Request

Michael J. Quigley
Division Manager/Solid Waste Collections

MJQ:ll

Enclosure

JUN 15 1981

IWD - DISPOSAL SITES

North Sanitary Landfill
4220 Pinnacle Rd.
Moraine, Ohio

Ego's Landfill
5600 Upper River Rd.
West Carrollton, Ohio

Vance Road Landfill
2101 Vance Rd.
Moraine, Ohio

Sanitary Landfill
2601 Dorothy Lane
Moraine, Ohio

South Dayton Dump & Landfill ✓
1978 Springboro Rd.
Moraine, Ohio

Miami County Incinerator
2200 North County Rd.
Troy, Ohio

Shelby County Incinerator
Sidney, Ohio

County Landfill
4016 Dayton-Springfield Rd.
Springfield, Ohio

RusCot's Landfill
300 East Maine
Springfield, Ohio

Landfill Systems, Inc.
3050 Lower Valley Pike
Springfield, Ohio

North Sanitary Landfill
Snyder Damar Road
Tremont City, Ohio

JUN 15 1987

Form C-413

EXHIBIT B

PLEASE NOTE THAT THE ATTACHED ARTICLES WERE PROVIDED
BY THE OHIO SECRETARY OF STATE. THE ORIGINAL QUALITY IS
ALSO POOR.

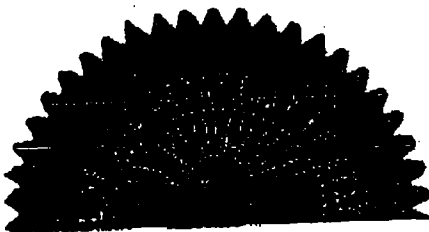
UNITED STATES OF AMERICA,
STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, SHERROD BROWN,

Secretary of State of the State of Ohio, do hereby certify that the foregoing is an
exemplified copy, carefully compared by me with the original record now in my
official custody as Secretary of State, and found to be true and correct, of the

Articles of Incorporation of INDUSTRIAL WASTE DISPOSAL CO., INC.,
an Ohio corporation, Charter #244891, filed February 8, 1955
recorded Roll1D22 Frame 2243; Certificate of Agreement of MERGER
of DISPOSAL EQUIPMENT, INC., an Ohio corporation, Charter #409207,
merging into INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation,
Charter #244891, the Survivor of stated Merger, INDUSTRIAL WASTE
DISPOSAL CO., INC.

filed in this office on the 30th day of June A.D. 1972
and recorded on (in) Roll ~~Volume~~ B815, Frame ~~(Page)~~ 1161 of
the Records of Incorporations.



WITNESS my hand and official seal at
Columbus, Ohio, this 27th day

WMO-EPA00017

FOURTH. The maximum number of shares which the corporation is authorized to have outstanding is Two Hundred Fifty (250), all of which shall be with a par value of One Hundred and 00/100 Dollars (\$ 100.00) each.

FIFTH. The amount of capital with which the corporation will begin business is Five Hundred and 00/100 Dollars (\$ 500.00).

IN WITNESS WHEREOF, We have hereunto subscribed our names, this 03/03/02 day of

19 03
Lois J. Storchlein
Charles R. Smith
Walter L. Brown

N.B. Articles will be returned unless accompanied by form designating delivery agent. See C. C. 0003-120.

Witness: I hereby certify that the foregoing is the true and correct copy of the original as shown to me, and that the same is a true and correct copy of the original as shown to me, and that the same is a true and correct copy of the original as shown to me.

[Signature]

State of Ohio,

County of Hamilton, ss:

Personally appeared before me, the undersigned, a Notary Public in and for said County, this 7th day of February, 1902, the date named Charles F. Smith who acknowledged the signing of the foregoing to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year last aforesaid.

[Signature]
Notary Public in and for
Hamilton County, Ohio

PROCEEDINGS OF THE INCORPORATORS

On the 5th day of February 19 55.

the persons named below as subscribers to the articles of incorporation, desiring for themselves, their associates, successors and assigns, to become a body corporate, in accordance with the general corporation laws of the State of Ohio, under the name and style of

INDUSTRIAL WASTE DISPOSAL CO., INC.

(Name of Corporation)

and with all the corporate rights, powers, privileges and liabilities enjoyed under or imposed by such laws, did subscribe and acknowledge, as required by law, articles of incorporation, which articles, together with

the certificate of acknowledgment, were, on the 8th day of February

19 55, duly filed in the office of the Secretary of State, at Columbus, Ohio, and by him recorded, and a certified copy thereof, of which the following is a true and correct copy, by him furnished to said subscribers:

Filed February 8, 1955

Corporation No. 244891

ARTICLES OF INCORPORATION

OF

INDUSTRIAL WASTE DISPOSAL CO., INC.

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, for profit, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be Industrial Waste Disposal Co., Inc.

SECOND. The place in the State of Ohio where its principal office is to be located is.....

Dayton in Montgomery County.
(City, Village or Township)

THIRD. The purpose or purposes for which it is formed are:

To carry on and conduct a business of removal of waste materials from industrial, mercantile and residential establishments and the disposal thereof by any means including, but not limited to, dumping, burning, erosion by natural or artificial methods and the doing of all things necessary and incidental thereto.

To purchase, lease or otherwise acquire, and to erect, construct, improve, operate, manage, and control, directly or through the ownership of shares in any corporation, any and all kinds of buildings, storerooms, warehouses, factories and shops; and to engage generally in the business of owning, operating and leasing real and personal property of every character and description.

PROCEEDINGS OF THE INCORPORATORS

FOURTH. The maximum number of shares which the corporation is authorized to have outstanding is Two Hundred Fifty (250), which shall be classified as follows:

(Here state designation, maximum numbers and par value, if any, of shares of each class, and the relative rights, restrictions and qualifications of each class.)

*All of which shall be with a par value of One Hundred and 00/100 (\$ 100.00) Dollars each.

~~*All of which shall have no par value.~~

PROCEEDINGS OF THE INCORPORATORS

FIFTH. The amount of capital with which the corporation will begin business is.....

Five Hundred and 00/100 (\$ 500.00) Dollars.

SIXTH. *Subscriptions for shares without par value may be received by the undersigned at.....

..... (\$.....) Dollars for each share.

*Shares shall be presently issued for the following considerations other than cash:

*(a) Number and description of such shares:

*(b) Description of the consideration other than cash to be received for such shares:

*(c) The valuation at which such property is to be received is.....

..... (\$.....) Dollars.

***SEVENTH.** The following provisions are hereby agreed to for the purpose of defining, limiting and regulating the exercise of the authority of the corporation, or of the directors, or of the shareholders, or of any class of shareholders, or for the purpose of creating and defining rights and privileges of the shareholders among themselves:

PROCEEDINGS OF THE INCORPORATORS

IN WITNESS WHEREOF, we have hereunto subscribed our names, this seventh day
of February, 19 55

Lois J. Stoecklein

Charles H. Boesch

Milton L. Sprowl

THE STATE OF OHIO, COUNTY OF MONTGOMERY, SS.

Personally appeared before me, the undersigned, a Notary Public, in and for said county, this
7th day of February, 19 55, the above named Lois J. Stoecklein
Charles H. Boesch, and Milton L. Sprowl, who each severally acknowledged
the signing of the foregoing articles of incorporation to be his free act and deed, for the uses and purposes
therein mentioned.

Witness my hand and official seal on the day and year last aforesaid.

William H. Wolff

Notary Public.

UNITED STATES OF AMERICA, STATE OF OHIO, OFFICE OF THE SECRETARY OF STATE.

I, Ted W. Brown, Secretary of State of the State of Ohio,
do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original
record now in my official custody as Secretary of State, and found to be true and correct, of the Articles
of Incorporation of Industrial Waste Disposal Co., Inc.

(Name of Corporation)

filed in this office on the 8th day of February, 19 55, and re-
corded in Volume 699 Page 576, of the Record of Incorporations.

Witness my hand and official seal at Columbus, this 8th day of February
19 55.

(SEAL)

TED W. BROWN

Secretary of State

FILED

AUG 17 1989

10AM

[Signature]
SECRETARY OF STATE

**CERTIFICATE OF MERGER
OF
BLAYLOCK TRUCKING COMPANY, INC.,
INDUSTRIAL WASTE DISPOSAL CO., INC.,
PINNACLE ROAD LANDFILL, INC.,
LAKE COUNTY LAND IMPROVEMENT, INC.
AND
S.E.M., INC.
INTO
WASTE MANAGEMENT OF OHIO, INC.
(UNDER SECTION 252 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE)**

Waste Management of Ohio, Inc. hereby certifies that:

- (1) The name and state of incorporation of each of the constituent corporations are:
- (a) Blaylock Trucking Company, Inc., an Ohio corporation;
 - (b) Industrial Waste Disposal Co., Inc., an Ohio corporation;
 - (c) Pinnacle Road Landfill, Inc., an Ohio corporation;
 - (d) Lake County Land Improvement, Inc., an Ohio corporation;
 - (e) S.E.M., Inc., an Ohio corporation; and
 - (f) Waste Management of Ohio, Inc., a Delaware corporation.
- (2) An agreement of merger, a true and complete copy of which is attached hereto, has been approved, adopted, certified, executed and acknowledged by each of said corporations in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware and Section 1701.79 of the General Corporation Law of the State of Ohio.
- (3) The name of the surviving corporation is Waste Management of Ohio, Inc.
- (4) The certificate of incorporation of Waste Management of Ohio, Inc. shall be the certificate of incorporation of the surviving corporation.
- (5) The surviving corporation is a corporation of the State of Delaware.
- (6) The executed agreement of merger is on file at the principal place of business at 3003 Butterfield Road, Oak Brook, Illinois 60521, Attention: Secretary.
- (7) A copy of the agreement of merger will be furnished by Waste Management of Ohio, Inc. on request and without cost, to any stockholder of any of the corporations identified in Section 1 above.
- (8) The authorized capital stock of each of the constituent corporations is as follows:

<u>Constituent Corporation</u>	<u>Authorized Capital</u>	<u>Par Value</u>
Blaylock Trucking Company, Inc.	250	No par

PLAN AND AGREEMENT OF MERGER

THIS PLAN AND AGREEMENT OF MERGER is made as of this 11th day of August, 1989, by and among Blaylock Trucking Company, Inc. ("Blaylock"), Industrial Waste Disposal Co., Inc. ("IWD"), Pinnacle Road Landfill, Inc. ("Pinnacle"), Lake County Land Improvement, Inc. ("Lake County") and S.E.M., Inc. ("SEM"), all Ohio corporations (referred to herein singularly as a "Merging Corporation" and collectively as the "Merging Corporations"), and Waste Management of Ohio, Inc., a Delaware corporation (referred to herein as the "Survivor").

WHEREAS, Blaylock has an authorized capital stock consisting of 250 shares of common stock, no par value, of which 132 shares are issued and outstanding;

WHEREAS, IWD has an authorized capital stock consisting of 250 shares of common stock, \$100 par value per share, of which 250 shares are issued and outstanding;

WHEREAS, Pinnacle has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 10 shares are issued and outstanding;

WHEREAS, Lake County has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 200 shares are issued and outstanding;

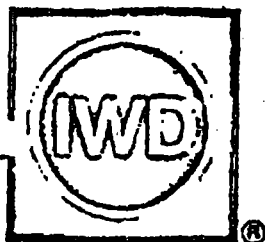
WHEREAS, SEM has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 100 shares are issued and outstanding;

WHEREAS, the Survivor has an authorized capital stock consisting of 1,000 shares of common stock, \$1.00 par value per share, of which 100 shares are issued and outstanding; and

WHEREAS, the respective Boards of Directors of the Merging Corporations and the Survivor deem it advisable and generally to the advantage and welfare of the parties and their respective stockholders that the Merging Corporations merge with the Survivor under and pursuant to the provisions of the General Corporation Law of the State of Ohio and of the General Corporation Law of the State of Delaware.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements herein contained and of the mutual benefits hereby provided, it is agreed by and between the parties hereto as follows:

1. **MERGER.** Each of the Merging Corporations shall be and it hereby is merged with and into the Survivor.
2. **EFFECTIVE TIME.** This Plan and Agreement of Merger shall become effective at 11:59 p.m. upon the later to occur of August 31, 1989 or the date of the filing of documents required to effectuate the merger hereby contemplated in compliance with the laws of the States of Ohio and Delaware, the time of such effectiveness being hereinafter called the Effective Time.



INDUSTRIAL WASTE DISPOSAL CO., INC.
P. O. BOX 1453 3375 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

May 7, 1980

Dayton Tire & Rubber
P.O. Box 96
2342 Riverside Drive
Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste disposal by listing in chronological order the sanitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1966, your waste was taken to both the above Groves Landfill and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Dorothy Lane.
- (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the east side of Valleycrest Drive.
- (D) From 1971 to 1976, two sites were used; North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the west side of Valleycrest Drive, and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- (E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
- (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill Inc. (a subsidiary of IWD) located on Pinnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

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INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber
Mr. Ralph Ball
May 7, 1980
Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DT&R which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel
Vice President of Sales

DEM;kh

100937

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WMO-EPA00027

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:10-CV-195
)	
Plaintiffs,)	JUDGE WALTER HERBERT RICE
)	
vs.)	
)	
WASTE MANAGEMENT OF OHIO, INC.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

**WASTE MANAGEMENT OF OHIO, INC.'S RESPONSE TO INTERROGATORY 1 OF
PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Defendant Waste Management of Ohio, Inc. ("WMO") hereby responds to Interrogatory 1 of Plaintiffs' First Set of Interrogatories and Requests for the Production of Documents as follows.

Based upon concerns raised by WMO and other defendants as to, among other things, the broad scope of these discovery requests, the attendant burden they would impose, and their questionable relevance, counsel for plaintiffs and the defendants have agreed, as an initial step, that defendants need only respond to Interrogatory 1 subject to and preserving any objections that any defendant may desire to assert. WMO is thus only responding to Interrogatory 1 at this time.

General Objections

1. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other privilege or immunity.

2. WMO objects to Plaintiff's Discovery Requests, including the Instructions, to the extent that they seek to alter or exceed the scope of the obligations placed on WMO by the Federal Rules of Civil Procedure or applicable law including, but not limited to, any obligations WMO may have to supplement or amend its answers. In responding, WMO will comply with all applicable requirements of the Federal Rules of Court Procedure.

3. WMO objects to Definition 7.J. (defining "Defendant," "You," and "Your") to the extent it encompasses entities other than Industrial Waste Disposal Co., Inc., which is WMO's only alleged nexus to the Site, on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

4. WMO objects to Definition 7.M. (defining "Your Dayton Area Facilities") on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

5. The time period encompassed by these discovery requests is from 1941-1996 (See Instruction M). WMO objects to, and is not providing information requested in these Discovery Requests for any "Dayton Area Facilities" (defined in Definition 7.M.) acquired by WMO after 1996.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each of Your Dayton Area Facilities, including for each facility (a) the name and address, (b) the time period(s) of Your ownership, leasing or operation of the facility, and (c) the business operation(s) conducted there.

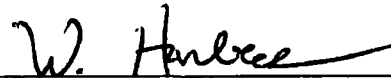
ANSWER:

WMO objects to Interrogatory 1 on the grounds that it is overbroad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see chart attached as Exhibit 1.

Dated: August 26, 2011.

As to objections:



William H. Harbeck, WI State Bar No. 1007004
Quarles & Brady LLP
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Milwaukee, WI 53202-4497
Telephone: (414) 277-5853
E-mail: william.harbeck@quarles.com

John P. Brody, Ohio State Bar No. 0012215
Kegler, Brown, Hill & Ritter Co., LPA
65 East State Street, Suite 1800
Columbus, OH 43215-4294
Telephone: 614-462-5400
Email: jbrody@keglerbrown.com

Attorneys for Defendant
Waste Management of Ohio, Inc.

VERIFICATION

STATE OF Michigan

COUNTY OF Eaton

James C. Feeney, being first duly sworn, states that I have read the foregoing "Waste Management of Ohio, Inc.'s Response to Interrogatory 1 of Plaintiffs' First Set of Interrogatories and Requests for Production of Documents." This response is based upon information that has been compiled by employees and others affiliated with Waste Management of Ohio and from a review of files and records of Waste Management of Ohio. Subject to the limitations set forth above, I am informed and believe that the information contained in the foregoing Response is true and correct, and on that ground state that the information contained herein is true and correct to the best of my knowledge, information, and belief.

WASTE MANAGEMENT OF OHIO, INC.

By: [Signature]

Printed Name: James C. Feeney
Its Authorized Representative

ANGELA A. BUSHMAN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires Dec. 22, 2012
Acting in the County of Michigan

SWORN TO BEFORE ME and subscribed in my presence this 29th day of August, 2011.

[Signature]
Notary Public

EXHIBIT 1

FACILITY NAME	ADDRESS	TIME PERIOD	BUSINESS OPERATIONS
Blaylock Trucking	2250 Sandridge Rd Moraine, OH 45439	1983 – present	Office, garage
Industrial Waste Disposal Co., Inc.	3975 Wagoner Ford Road Dayton, OH	1983 – present	Hauling
Industrial Waste Disposal, Co., Inc.	3112 Snyder Domer Rd German Township, OH	Ownership interest 1980 – 1986; leased 1984 – 1986	Landfill
New Carlisle Landfill	65 Quick Road New Carlisle, OH	1972 - 1982	Landfill
Pinnacle Road RDF	4220 Pinnacle Rd Moraine, OH 45418	1978 – 1994	Landfill
Powell Road Landfill	4060 Powell Road Dayton, OH 45424	1984 – 1985	Landfill
Springfield Landfill	3850 Lower Valley Pike Springfield, OH	Through 1984	Landfill
St. Paris Landfill	Trestle Road St. Paris, OH	1985 – 1986	Landfill
Stony Hollow Landfill a/k/a New Dayton Landfill a/k/a Pinnacle II Landfill	2534 Gettysburg Road Dayton, OH 2460 Gettysburg Dayton, OH 2606 Lyleburn Road Dayton, OH 2614 Lyleburn Road Dayton, OH 2622 Lyleburn Road Dayton, OH 3536 Stony Hollow Dayton, OH	1989 – present	Landfill, hauling
Waste Management of Ohio	4490 Webster St Dayton, OH	1990 – 1994	Transportation
Waste Management of Ohio	1700 North Broad St Fairborn, OH 43524	1988 - present	Hauling, office
Waste Management of Sidney, Inc.	9300 North County Road Sidney, OH	1991 – 1994	Parking, maintenance, office, storage

EXHIBIT 1

Waste Management of Ohio – Dayton a/k/a Koogler Suburban Refuse Removal Co.	4080 Industrial Lane Dayton, OH 45430	1973 - 1997	Office, garage, material recovery facility
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:10-CV-195
)	
Plaintiffs,)	JUDGE WALTER HERBERT RICE
)	
vs.)	
)	
WASTE MANAGEMENT OF OHIO, INC.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

**WASTE MANAGEMENT OF OHIO, INC.'S RESPONSE TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Defendant Waste Management of Ohio, Inc. ("WMO") hereby further responds to Plaintiffs' First Set of Interrogatories and Requests for the Production of Documents ("Plaintiffs' Discovery Requests") as follows.

WMO responded to Interrogatory 1 on August 26, 2011.¹ By agreement with counsel for plaintiffs, WMO's response to the remaining requests is limited to the operations of the Industrial Waste Disposal Co., Inc. facility located at 3975 Wagoner Ford Road, Dayton, Ohio (the "IWD Facility"), that is alleged to be WMO's nexus to the Site, as that term is defined in Plaintiffs' First Set of Interrogatories and Requests for Production of Documents Propounded Upon Defendant Waste Management of Ohio, Inc.

General Objections

1. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of trade secrets or other confidential or proprietary business information.

¹ By agreement with counsel for plaintiffs, WMO's response to Interrogatory 1 was limited to WMO's facilities located within a fifty (50) mile radius of the Site.

2. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other privilege or immunity.

3. WMO objects to Plaintiff's Discovery Requests, including the Instructions, to the extent that they seek to alter or exceed the scope of the obligations placed on WMO by the Federal Rules of Civil Procedure or applicable law including, but not limited to, any obligations WMO may have to supplement or amend its answers. The overly broad nature of the requests attempts to improperly shift the burden of proof in this case. In responding, WMO will comply with all applicable requirements of the Federal Rules of Civil Procedure.

4. WMO objects to Definition 7.J. (defining "Defendant," "You," and "Your") to the extent it encompasses entities other than the IWD Facility which is WMO's only alleged nexus to the Site, on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence. By agreement with counsel for the plaintiffs, these responses are limited to the operations of the IWD Facility.

5. WMO objects to Definition 7.M. (defining "Your Dayton Area Facilities") on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence. By agreement with counsel for the plaintiffs, these responses are limited to the operations of the IWD Facility.

6. WMO objects to the time period encompassed by these discovery requests which is from 1941-1996 (See Definition 7) as being overly broad, unduly burdensome, and seeks

information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

7. Any documents identified in response to these Discovery Requests are subject to all applicable objections as to their authenticity, relevance, materiality, propriety, and admissibility, and to any and all objections on any ground that would require the exclusion of any document or portion thereof if such document were attempted to be offered in evidence under the Federal Rules of Evidence, including, but not limited to, claims of privilege. All such objections are expressly reserved and may be interposed at or before the time of trial.

8. A number of these discovery requests are not applicable to the operations of the IWD Facility which was not a "generator" of waste but was in the waste hauling and disposal business. As to each such request, WMO has noted "Not Applicable."

9. Any contacts with employees of WMO, its subsidiaries, or affiliates identified in these responses or the related documents should be initiated through counsel for WMO.

10. Each response below is made subject to and without waiving any of these General Objections.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each of Your Dayton Area Facilities, including for each facility (a) the name and address, (b) the time period(s) of Your ownership, leasing or operation of the facility, and (c) the business operation(s) conducted there.

ANSWER: Subject to and without waiving its General Objections, WMO refers to its Response to Interrogatory 1 of Plaintiffs' First Set of Interrogatories and Requests for Production of Documents dated August 26, 2011.

INTERROGATORY NO. 2: Identify the custodian of records or person responsible for maintaining the records of Your Dayton Area Facilities for the period 1941 through 1996. If no such custodian of records or person exists, identify each person who is likely to have knowledge or information relating to the location and/or maintenance of such records for each facility for that time period.

ANSWER: Subject to and without waiving its General Objections, WMO states that Tom Calkins, Manager of Records Services, is the custodian of records.

INTERROGATORY NO. 3: Identify the persons with knowledge of the history of ownership of Your Dayton Area Facilities since 1941, including but not limited to, any changes in ownership, mergers, acquisitions, and the identity of predecessors and successors-in-interest.

ANSWER: WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to Interrogatory No. 3 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its General Objections and specific objections,² WMO states that James Forney, Mideast Closed Sites Director, has knowledge responsive to this interrogatory.

INTERROGATORY NO. 4: Describe the business operations, processes and/or activities at each of Your Dayton Area Facilities for the period 1941 through 1996, including but not limited to a description of any products manufactured, the processes used, the wastes generated by such processes, and the materials and substances used in such processes.

ANSWER: Subject to and without waiving its General Objections, WMO states that Industrial Waste Disposal, Co., Inc. ("IWD") was incorporated in 1955. It was in the waste hauling and disposal business. The remaining portion of this interrogatory ("products manufactured, processes used ...") is not applicable.

² General Objections and specific objections made in response to any request shall hereinafter collectively be referred to as "Objections."

INTERROGATORY NO. 5: With respect to each of Your Dayton Area Facilities for the period 1941 through the present, identify the person(s) responsible for the following positions, including the time period(s) during which the position was held by each person:

- (a) Plant or facility management;
- (b) Production management;
- (c) Purchasing;
- (d) Waste treatment, storage or disposal;
- (e) Maintenance;
- (f) Safety;
- (g) Hiring and/or supervising transporters and/or drivers to transport materials for disposal, storage or treatment;
- (h) Accounting, including without limitation accounts payable and accounts receivable; and
- (i) Environmental affairs, compliance and/or management.

ANSWER: WMO incorporates by reference its General Objections. Additionally, WMO objects to Interrogatory 5 subparts (b), (c), (e), (f), (i) on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO states that as to the remaining subparts of this interrogatory, to the best of its information and belief, Joe Woerner had accounting responsibilities from approximately 1960-1983. In addition, documents produced by the plaintiffs and other parties may contain information responsive to this interrogatory. WMO's investigation continues.

INTERROGATORY NO. 6: Identify each person with knowledge or information relating to Your procedures for the disposal, storage or treatment of waste generated at each of Your Dayton Area Facilities for the time period 1941 through 1996 and describe each person's particular area of knowledge or information.

ANSWER: Not Applicable.

INTERROGATORY NO. 7: Identify each of Your Dayton Area Facilities that arranged for the disposal, storage or treatment of waste at the Site or arranged for the transportation of waste to the Site for disposal, storage or treatment during the time period 1941 through 1996.

ANSWER: Subject to and without waiving its General Objections, WMO has no responsive information.

INTERROGATORY NO. 8: Identify each transporter, driver or person you contracted with or hired to transport waste from Your Dayton Area Facilities to any disposal, storage or treatment facility for the time period 1941 through 1996.

ANSWER: Not Applicable.

INTERROGATORY NO. 9: Identify by chemical content the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

ANSWER: Not Applicable.

INTERROGATORY NO. 10: Identify by volume the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

ANSWER: Not Applicable.

INTERROGATORY NO. 11: Identify by chemical content any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

ANSWER: Subject to and without waiving its Objections, WMO has no responsive information.

INTERROGATORY NO. 12: Identify by volume any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

ANSWER: Subject to and without waiving its General Objections, WMO has no responsive information.

INTERROGATORY NO. 13: Identify each disposal, storage or treatment facility to which waste from Your Dayton Area Facilities was transported at any time during the period 1941 through 1996.

ANSWER: Not Applicable.

INTERROGATORY NO. 14: For each of Your Dayton Area Facilities, identify each and every process or operation that generated any waste containing PCBs (Polychlorinated Biphenyls), chemical solvents, cutting oils, paint, paint residue, foundry sand, cores or slag, Stoddard solvents, machine-tool water-based coolants, dielectric fluids, oils and/or brake fluids, for the period 1941 through 1996.

ANSWER: Not Applicable.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Produce all documents relating to the arrangement by You for disposal, storage or treatment of waste at the Site, including but not limited to, drivers' logs, manifests, invoices, and reports.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 2: Produce all documents relating to the arrangement by You for transportation of waste for disposal, storage or treatment at the Site, including but not limited to, drivers' logs, manifests, invoices, and reports.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 3: Produce all documents describing the processes or operations conducted at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 3 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce the IWD Articles of Incorporation reflecting its business purpose.

REQUEST FOR PRODUCTION NO. 4: Produce all documents describing or identifying the wastes generated at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing or identifying the materials used in production at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 6: Produce all documents referred to or relied upon to formulate Your answer to Interrogatory No. 5 herein, including but not limited to, employee lists, personnel records, payroll records, accounting records, and work schedules.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 6 on the grounds that it is overly broad and unduly burdensome.

Subject to and without waiving its Objections, WMO will produce any responsive documents. As noted in its response to Interrogatory 5, WMO's investigation continues.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to Your document retention and/or destruction policies from 1941 through the present.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 7 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to any contract, agreement and/or other arrangement, including purchase orders, entered into or issued by You or any of Your Dayton Area Facilities for the transport, storage, treatment, disposal of waste to or at the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 9: For the period from 1941 through 1996, produce all policies, manuals, reports, handbooks, guides, written procedures, internal memoranda and other documents used by You or any of Your Dayton Area Facilities relating to the selection of locations to be used for the disposal, storage or treatment of waste, including the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10: Produce all non-privileged communications between You and any government agency relating to the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 11: Produce all non-privileged communications between You and any other person relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 11 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 12: Produce all non-privileged communications between You and any waste transporter for the time period from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 13: Produce all non-privileged communications between or among Your employees, agents, consultants, representatives, officials, officers, directors and managers relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 13 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 14: Produce all documents relating to the chemical content of the products used or stored at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 15: Produce all documents relating to the chemical content of the wastes generated at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 16: Produce all documents relating to the volume of waste generated at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 17: Produce all documents relating to the generation of any waste containing PCBs (Polychlorinated Biphenyls), chemical solvents, cutting oils, paint, paint residue, foundry sand, cores or slag, Stoddard solvents, machine-tool water-based coolants, dielectric fluids, oils and/or brake fluids at any of Your Dayton Area Facilities for the period 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 18: Produce all non-privileged documents upon which You relied or to which You referred in preparing Your answers to the preceding Interrogatories.

RESPONSE: Subject to and without waiving its General Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 19: Produce all witness statements, affidavits, and transcripts of testimony relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 19 to the extent it seeks documents protected by the attorney-client and/or work product privileges.

Subject to and without waiving its Objections, WMO is not aware of any such documents other than as may have been previously produced by the plaintiffs or other parties.

Dated: December 22, 2011.

AS TO OBJECTIONS:



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Columbus, OH 43215-4294
Telephone: 614-462-5400
Email: jbrody@keglerbrown.com

Attorneys for Defendant
Waste Management of Ohio, Inc.

VERIFICATION

STATE OF Michigan
COUNTY OF Eaton

James Forney, being first duly sworn, states that I have read the foregoing "*Waste Management of Ohio, Inc. 's Response to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents.*" This response is based upon information that has been compiled by employees and others affiliated with Waste Management of Ohio and from a review of files and records of Waste Management of Ohio. Subject to the limitations set forth above, I am informed and believe that the information contained in the foregoing Response is true and correct, and on that ground state that the information contained herein is true and correct to the best of my knowledge, information, and belief.

WASTE MANAGEMENT OF OHIO, INC.

By: [Signature]
Printed Name: James Forney
Title: Director - LSCs

SWORN TO BEFORE ME and subscribed in my presence this 22nd day of December, 2011.

[Signature]
Notary Public

ANGEL A. BUSHMAN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EATON
My Commission expires Dec. 22, 2012
Acting in the County of Ingham

Ingham

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:13-cv-115-WHR
)	
Plaintiffs,)	
)	
vs.)	
)	
THE DAYTON POWER AND LIGHT)	
COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANT WASTE MANAGEMENT OF OHIO, INC.'S INITIAL RULE 26(a)(1)
DISCLOSURES**

Defendant Waste Management of Ohio, Inc. ("WMO") submits the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. Rule 26(a)(1)(A)(i).

WMO states that it has not completed all of its investigation and, therefore, it cannot say with certainty that those individuals listed below are the only individuals likely to have discoverable information supporting its defenses. Subject to and in accordance with the foregoing, WMO identifies the following individuals and their last known addresses:

Dennis Mantel
523 Valley Oak Court
Dayton, OH 45415

Arnold Polley
415 Travis Drive
Riverside, OH 45431

Joseph Smart
5240 Tilbury Road
Dayton, OH 45424

Vernon Vencill
3115 Meyers Tillmann Road
Arcanum, OH 45304

Robert Aldredge
7064 Salem Crossing Place
Englewood, OH 45322

Boyd Pearson
530 Anthony Lane
Miamisburg, OH 45342

Any attempts to contact the aforementioned individuals or any other persons who are current or former employees of WMO or its alleged predecessors in regard to this matter should be made through William Harbeck, as counsel for WMO.

II. **Rule 26(a)(1)(A)(ii).**

WMO states that it has not completed all of its investigation and, therefore, it does not know certain fundamental information needed to determine precisely which documents in its possession, custody or control may be used to support its defenses. Subject to and in accordance with the foregoing, WMO identifies and attaches hereto the following documents in its possession, custody, or control:

1. WMO's June 3, 2002 response to EPA's 104(c) Request for Information pertaining to the South Dayton Dump.
2. May 7, 1980 correspondence from Industrial Waste Disposal Company to Dayton Tire & Rubber Company.
3. June 9, 1981 IWD 103(c) notification to EPA regarding North Sanitary Landfill-Valleycrest.
4. June 9, 1981 Blaylock Trucking Company, Inc. 103(c) notification to EPA regarding Disposal Sites.
5. June 9, 1981 North Sanitary Landfill, Inc. 103(c) notification to EPA regarding Valleycrest.

III. **Rule 26(a)(1)(A)(iii).**

WMO is not making a claim for damages in this action.

IV. **Rule 26(a)(1)(A)(iv).**

WMO is not aware of the existence of any applicable insurance agreement.

Dated: April 9, 2014.

/s/William H. Harbeck
William H. Harbeck - Trial Attorney
Wisconsin Bar No. 1007004
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Attorneys for Defendant
Waste Management of Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Waste Management of Ohio, Inc.'s Initial Rule 26(a)(1) Disclosures was served via email on April 9, 2014, upon counsel of record as reflected in the attached service list.

/s/ Susan Lund

Susan Lund

Quarles & Brady LLP

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**Counsel for The Dayton Power and Light
Company**

06/03/02 15:33 FAX 6302181596

WM CLOSED SITES

→ MIDRAST

001/020



Closed Sites Management Department
720 Butterfield Road
Lombard, IL 60148
Phone: 630/572-2979
Fax: 630/218-1596

Fax

To: Deena Sheppard - Johnson	From: Debra A. Kopsky, Paralegal
U.S. EPA - Region V	Phone: 630/572-2486
Fax: 312/886-6064	Date: June 3, 2002
Phone:	Pages: 20 pages (including cover)
Re: South Dayton Dump, Moraine, OH	CC: Jim Forney, David Minfrey

Comments:

Attached is Waste Management of Ohio, Inc.'s response to your 104(e) Request for Information regarding the South Dayton Dump, Moraine, Ohio. The original will follow via overnight mail.

Thank you for your patience.

A handwritten signature in black ink that reads "Debra A. Kopsky". The signature is written in a cursive style with a large, looped "D" and a long, sweeping underline.



WASTE MANAGEMENT

Closed Site Management Group
720 Butterfield Road
Lombard, IL 60148
(630) 572-8800
(630) 218-1596 Fax

June 3, 2002

Deena Sheppard-Johnson, SR-6J
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

RE: South Dayton Dump Site, Moraine, Ohio

Dear Ms. Sheppard-Johnson:

Enclosed you will find Waste Management of Ohio, Inc.'s response to the U.S. Environmental Protection Agency's March 29, 2002 Request for Information concerning the above referenced site. Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. on August 31, 1989.

If you have any questions, please call our counsel, David Winfrey at 713/265-1431 or myself at 630/572-2486.

Sincerely,

Debra A. Kopsky
Paralegal

Enclosures

Cc: Jim Fomey (w/enclosures)
David Winfrey (w/enclosures)

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

1. Identify all persons consulted in the preparation of the answers to these questions.

Mr. Thomas Koogler
Area Vice President - OH/KY/WVA Group
Waste Management of Ohio, Inc.
Fairborn, Ohio 45324

Ms. Debra A. Kopsky
Paralegal
Waste Management, Inc.
720 Butterfield Road
Lombard, Illinois 60148

Mr. Joseph Wocner
Controller
Waste Management of Ohio, Inc.
Fairborn, Ohio 45324

All Waste Management employees may be reached through counsel:

Mr. David Winfrey
Waste Management, Inc.
1001 Fannin Street
Houston, Texas 77002
713/265-1431

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

The only documents reviewed for this response were those provided as evidence by the U.S. Environmental Protection Agency. For your convenience, these have been attached as Exhibit A.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional response documents, identify such persons.

Respondent, Waste Management of Ohio, Inc., does not have any reason to believe that there are persons able to provide a more detailed or complete response or provide additional documentation to the questions herein.

4. List the EPA Identification Numbers of the Respondent.

08-57-73-1990

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting there from at the South Dayton Dump Site.

Given the broad nature of this question, in which case, Respondent reserves the right to object without waiving such right through this response, Respondent does not know of any acts or omissions by any person that may have caused the release or the threat of release of hazardous substances, pollutants, or contaminants and damages resulting at the South Dayton Dump Site.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

Respondent will supplement this response should respondent know additional information necessitating supplementation.

6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

Respondent does not know of anybody that would have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

7. Set forth the dates during which the Respondent engaged in any of the following activities:

- a. Generation of hazardous materials which were sent to the South Dayton Dump Site;

Respondent is not now, nor has it ever been, a generator of hazardous materials sent to the South Dayton Dump Site.

- b. Transportation of any material to the South Dayton Dump Site.

Respondent's investigation did not lead to any evidence that Respondent actually transported material to the South Dayton Dump Site.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site. In addition, identify the following:

- a. The persons with whom you or such other persons made such arrangements;

Respondent has been unable to determine that Respondent may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site.

- b. Every date on which such arrangements took place;

See response to Question 8a.

- c. For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

See response to Question 8a.

- d. The owner of the materials or hazardous substances so accepted or transported;

See response to Question 8a.

- e. The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See response to Question 8a.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

- f. All tests, analyses, and analytical results concerning the materials;**

See response to Question 8a.

- g. The person(s) who selected the South Dayton Dump Site as the place to which the materials or hazardous substances were to be transported;**

See response to Question 8a.

- h. The Amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;**

See response to Question 8a.

- i. Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;**

See response to Question 8a.

- j. Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;**

See response to Question 8a.

- k. What was actually done to the materials or hazardous substances once they were brought to the South Dayton Dump Site;**

See response to Question 8a.

- l. The final disposition of each of the materials or hazardous substances involved in such transactions.**

See response to Question 8a.

- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal or disposal of the material and hazardous substance involved in each transaction;**

See response to Question 8a.

- n. The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the South Dayton Dump Site, and all markings on such containers;**

See response to Question 8a.

- o. The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;**

See response to Question 8a.

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Meralne, Ohio

- p. All documents containing information responsive to s-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;

See response to Question 8a.

- q. All persons with knowledge, information, documents responsive to s-p above.

See response to Question 8a.

9. Identify all liability insurance policies held by Respondent from 1941 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Respondent objects that this request is unduly burdensome and not likely to lead to discovery of funds available to pay response costs.

10. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Respondent is a subsidiary of Waste Management Holdings, Inc., a wholly owned subsidiary of Waste Management, Inc. whose financial statements are available at www.wm.com.

11. If respondent is a Corporation, respond to the following requests:

- a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

Both the articles of incorporation for Industrial Waste Disposal Co., Inc. and the merger agreement whereby Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. have been attached as Exhibit B.

- b. Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

See response to Question 10.

- c. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

See response to Question 10.

- d. Identify the Parent Corporation and all Subsidiaries of the Respondent.

The parent corporation is Waste Management, Inc. A list of subsidiaries are listed in Waste Management, Inc.'s most recent 10-K report which can be found at www.wm.com under "Investor Relations."

12. If Respondent is a Partnership, respond to the following requests:

- a. Provide copies of the Partnership Agreement;

WASTE MANAGEMENT OF OHIO, INC.
Response to U.S. EPA'S Request for Information for
South Dayton Dump Site, Moraine, Ohio

- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities;
- d. Identify all subsidiaries of the Respondent.

Respondent is not a Partnership.

13. If Respondent is a Trust, respond to the following requests:

- a. Provide all relevant agreements and documents to support this claim.
- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

Respondent is not a Trust.

EXHIBIT A

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 8, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper, indicating the letter of the item which applies.

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Item: INDIA - INDUSTRIAL WASTE DISPOSAL CO. INC.
P.O. BOX 4453, 3975 WAGNER RD. E.
DAYTON OH 45424

B Site Location:

Enter the location (if known) and actual location of the site.

Item: SOUTH DAYTON Airport Landfill
1976 Springfield Rd.
DAYTON OH 45424

C Person to Contact:

Enter the name, title (if available), and business telephone number of the person to contact regarding information submitted on this form.

Item: Quigley, Michael J. AIR MGR
(513) 273-0831

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

Date (Year)

To (Year)

E Waste Types: (Choose the option you prefer to complete.)

Option 1: Select general waste types and estimate categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item F—Description of Site.

General Type of Waste:
 Place an X in the appropriate boxes. The categories listed overlap. Check each appropriate category.

Source of Waste:
 Place an X in the appropriate boxes.

1. ☐ Organics
2. ☐ Inorganics
3. ☐ Solvents
4. ☐ Pesticides
5. ☐ Heavy metals
6. ☐ Acids
7. ☐ Alkalis
8. ☐ PCBs
9. ☐ Mixed Municipal Waste
10. ☐ Unknown
11. ☐ Other (Specify)

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☐ Chemical, General
9. ☐ Plating/Pollishing
10. ☐ Military/Aeronautics
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☐ Sanitary/Waste
15. ☐ Prostitution
16. ☐ Unknown
17. ☐ Other (Specify)

Option 2: This section is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 301).

Specific Type of Waste:
 EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

000677 JUN 901

Form Approved
 OMB No. 2000-0121
 EPA Form 3001

JUN 15 1981

Notification of Hazardous Waste Site

Site Type

F Waste Quantity:

Place an X in the appropriate boxes to indicate the facility types found at the site.

In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic footer gallons.

In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.

Facility Type

1. ☐ Piles
2. ☐ Land Treatment
3. ☒ Landfill
4. ☐ Tanks
5. ☐ Impoundment
6. ☐ Underground Injection
7. ☐ Drums, Above Ground
8. ☐ Drums, Below Ground
9. ☐ Other (Specify) _____

Total Facility Waste Amount

cubic feet

gallons

Total Facility Area

square feet

acres

G Known, Suspected or Likely Releases to the Environment

Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment.

☐ Known ☐ Suspected ☐ Likely ☐ None

Note: Items A and B are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a published map showing the site location.

I Description of Site (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

J Signature and Title:

This person or authorized representative (such as plant manager, superintendent, trustee or attorney) of persons required to notify must sign the form and provide a mailing address (if different than address in Item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name

Street

City

State

Zip Code

- ☐ Owner, Present
☐ Owner, Past
☒ Transporter
☐ Supervisor, Present
☐ Operator, Past
☐ Other

Signature

Date

SEE LETTER ATTACHED

6- COPIES



INDUSTRIAL WASTE DISPOSAL CO., INC.
 P.O. BOX 1483 3873 WAGONER FORD ROAD DAYTON, OHIO 45414
 PHONE 513 278-0821

June 9, 1991

EPA Region V
 Sites Notification
 Chicago, Illinois 60604

RE: Industrial Waste Disposal Co., Inc. - Disposal Sites

Dear Sirs:

Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities. Industrial Waste Disposal Co., Inc. ("IWD") has transported commercial, industrial, and municipal solid wastes to the sites listed on the attached appendix. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to file a notification when one is required, IWD is submitting this letter to fulfill its reporting obligations under Section 103(c) of the Superfund.

We are not in possession of reasonably available records which would indicate the specific areas, types and quantities of "hazardous" wastes disposed at these sites. However, because any such hazardous wastes would have been disposed of in connection with much larger quantities of solid waste, which EPA has classified as non-hazardous, there are no reasonably available records which would accurately reflect quantities of hazardous waste which might have been delivered to these sites. However, we believe the preponderance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste.

If you would like further information concerning this matter, please contact us.

Sincerely,

Leah
 Michael J. Quigley
 Division Manager, Solid Waste Collections

MJQ:ll

Enclosure

JUN 15 1991

IWD - DISPOSAL SITES

North Sanitary Landfill
4330 Pinnacle Rd.
Mansfield, Ohio

Depe's Landfill
5400 Upper River Rd.
West Carrollton, Ohio

Vance Road Landfill
2101 Vance Rd.
Mansfield, Ohio

Sanitary Landfill
2401 Dorothy Lane
Mansfield, Ohio

South Dayton Dump & Landfill
1976 Springboro Rd.
Mansfield, Ohio

Miami County Incinerator
2300 North County Rd.
Troy, Ohio

Shelby County Incinerator
Sidney, Ohio

County Landfill
4016 Dayton-Springfield Rd.
Springfield, Ohio

RusCot's Landfill
300 East Main
Springfield, Ohio

Landfill Systems, Inc.
3020 Locust Valley Pike
Springfield, Ohio

North Sanitary Landfill
Snyder Dumar Road
Tremont City, Ohio

JUN 15 1987

Form C-413

EXHIBIT B

PLEASE NOTE THAT THE ATTACHED ARTICLES WERE PROVIDED
BY THE OHIO SECRETARY OF STATE. THE ORIGINAL QUALITY IS
ALSO POOR.

UNITED STATES OF AMERICA,
STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, SHERROD BROWN,

Secretary of State of the State of Ohio, do hereby certify that the foregoing is an
exemplified copy, carefully compared by me with the original record now in my
official custody as Secretary of State, and found to be true and correct, of the

Articles of Incorporation of INDUSTRIAL WASTE DISPOSAL CO., INC.,
an Ohio corporation, Charter #244891, filed February 8, 1955
recorded Roll D22 Frame 2243; Certificate of Agreement of MERGER
of DISPOSAL EQUIPMENT, INC., an Ohio corporation, Charter #409207,
merging into INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation,
Charter #244891, the Survivor of stated Merger, INDUSTRIAL WASTE
DISPOSAL CO., INC.

filed in this office on the 30th day of June A.D. 1972
and recorded on (the) Roll (Volume) 8815 Frame (Page) 1161 of
the Records of Incorporations.



WITNESS my hand and official seal at
Columbus, Ohio, this 27th day

FOURTH. The maximum number of shares which the corporation is authorized to have outstanding is Five Hundred Fifty (550), all of which shall be with a par value of One Hundred and 00/100 Dollars (\$100.00) each.

FIFTH. The amount of capital with which the corporation will begin business is Five Hundred and 00/100 Dollars (\$500.00).

IN WITNESS WHEREOF, We have hereunto subscribed our names this 02/08/02 day of

Levin J. Storchlein
Charles F. Smith
Milton E. Brown

N.B. Articles will be returned unless accompanied by funds designating delivery agent. See G. C. 6000-100.

Witnessed by _____
 whose position, not position, or character, may be stated.

[Signature]

State of Ohio,

County of Montgomery

Personally appeared before me, the undersigned, a Notary Public in and for said County,
 this 7th day of February, 1902, the date
 named Charles F. P. Smith who acknowledged the signing of the
 foregoing to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year last aforesaid.

[Signature]
 Notary Public in and for
Montgomery County, Ohio

PROCEEDINGS OF THE INCORPORATORS

On the 5th day of February 19 55.

the persons named below as subscribers to the articles of incorporation, desiring for themselves, their associates, successors and assigns, to become a body corporate, in accordance with the general corporation laws of the State of Ohio, under the name and style of

INDUSTRIAL WASTE DISPOSAL CO., INC.

(Name of Corporation)

and with all the corporate rights, powers, privileges and liabilities enjoyed under or imposed by such laws, did subscribe and acknowledge, as required by law, articles of incorporation, which articles, together with

the certificate of acknowledgment, were, on the 8th day of February

19 55, duly filed in the office of the Secretary of State, at Columbus, Ohio, and by him recorded, and a certified copy thereof, of which the following is a true and correct copy, by him furnished to said subscribers:

Filed February 8, 1955

Corporation No. 244891

ARTICLES OF INCORPORATION OF

INDUSTRIAL WASTE DISPOSAL CO., INC.

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, for profit, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be Industrial Waste Disposal Co., Inc.

SECOND. The place in the State of Ohio where its principal office is to be located is _____

Dayton in Montgomery County.
(City, Village or Township)

THIRD. The purpose or purposes for which it is formed are:

To carry on and conduct a business of removal of waste materials from industrial, mercantile and residential establishments and the disposal thereof by any means including, but not limited to, dumping, burning, erosion by natural or artificial methods and the doing of all things necessary and incidental thereto.

To purchase, lease or otherwise acquire, and to erect, construct, improve, operate, manage, and control, directly or through the ownership of shares in any corporation, any and all kinds of buildings, storerooms, warehouses, factories and shops; and to engage generally in the business of owning, operating and leasing real and personal property of every character and description.

PROCEEDINGS OF THE INCORPORATORS

FOURTH. The maximum number of shares which the corporation is authorized to have outstanding is Two Hundred Fifty (250), which shall be classified as follows:

(Here state designation, maximum numbers and par value, if any, of shares of each class, and the relative rights, restrictions and qualifications of each class.)

*All of which shall be with a par value of One Hundred and 00/100 (\$ 100.00) Dollars each.

*All of which shall have no par value.

PROCEEDINGS OF THE INCORPORATORS

FIFTH. The amount of capital with which the corporation will begin business is_____

Five Hundred and 00/100 (\$ 500.00) Dollars.

SIXTH. *Subscriptions for shares without par value may be received by the undersigned at_____

(\$ _____) Dollars for each share.

*Shares shall be presently issued for the following considerations other than cash:

*(a) Number and description of such shares:

*(b) Description of the consideration other than cash to be received for such shares:

*(c) The valuation at which such property is to be received is_____

(\$ _____) Dollars.

***SEVENTH.** The following provisions are hereby agreed to for the purpose of defining, limiting and regulating the exercise of the authority of the corporation, or of the directors, or of the shareholders, or of any class of shareholders, or for the purpose of creating and defining rights and privileges of the shareholders among themselves:

PROCEEDINGS OF THE INCORPORATORS

IN WITNESS WHEREOF, we have hereunto subscribed our names, this seventh day
of February, 19 55

Lois J. Stoscklein

Charles H. Boesch

Milton L. Sprowl

THE STATE OF OHIO, COUNTY OF MONTGOMERY, SS.

Personally appeared before me, the undersigned, a Notary Public, in and for said county, this
7th day of February, 19 55, the above named Lois J. Stoscklein
Charles H. Boesch and Milton L. Sprowl, who each severally acknowledged
the signing of the foregoing articles of incorporation to be his free act and deed, for the uses and purposes
therein mentioned.

Witness my hand and official seal on the day and year last aforesaid.

William H. Wolff

Notary Public.

UNITED STATES OF AMERICA, STATE OF OHIO, OFFICE OF THE SECRETARY OF STATE.

I, Ted W. Brown, Secretary of State of the State of Ohio,
do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original
record now in my official custody as Secretary of State, and found to be true and correct, of the Articles
of Incorporation of Industrial Waste Disposal Co., Inc.

(Name of Corporation)

Filed in this office on the 8th day of February, 19 55, and re-
corded in Volume 699 Page 576, of the Record of Incorporations.

Witness my hand and official seal at Columbus, this 8th day of February
19 55.

(SEAL)

TED W. BROWN

Secretary of State

08/03/02 15:39 FAX 8302181588
08/03/2002 12:08 FAX 312 857 012

WM CLOSED SITES
AKO (ILLINOIS)

+ MIDEAST

0019/020
007

FILED

AUG 17 1999

10AM

[Signature]
SECRETARY OF STATE

**CERTIFICATE OF MERGER
OF
BLAYLOCK TRUCKING COMPANY, INC.,
INDUSTRIAL WASTE DISPOSAL CO., INC.,
PINNACLE ROAD LANDFILL, INC.,
LAKE COUNTY LAND IMPROVEMENT, INC.
AND
S.E.M., INC.
INTO
WASTE MANAGEMENT OF OHIO, INC.
(UNDER SECTION 252 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE)**

Waste Management of Ohio, Inc. hereby certifies that:

- (1) The name and state of incorporation of each of the constituent corporations are:
 - (a) Blaylock Trucking Company, Inc., an Ohio corporation;
 - (b) Industrial Waste Disposal Co., Inc., an Ohio corporation;
 - (c) Pinnacle Road Landfill, Inc., an Ohio corporation;
 - (d) Lake County Land Improvement, Inc., an Ohio corporation;
 - (e) S.E.M., Inc., an Ohio corporation; and
 - (f) Waste Management of Ohio, Inc., a Delaware corporation.
- (2) An agreement of merger, a true and complete copy of which is attached hereto, has been approved, adopted, certified, executed and acknowledged by each of said corporations in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware and Section 1701.79 of the General Corporation Law of the State of Ohio.
- (3) The name of the surviving corporation is Waste Management of Ohio, Inc.
- (4) The certificate of incorporation of Waste Management of Ohio, Inc. shall be the certificate of incorporation of the surviving corporation.
- (5) The surviving corporation is a corporation of the State of Delaware.
- (6) The executed agreement of merger is on file at the principal place of business at 3003 Butterfield Road, Oak Brook, Illinois 60521, Attention: Secretary.
- (7) A copy of the agreement of merger will be furnished by Waste Management of Ohio, Inc. on request and without cost, to any stockholder of any of the corporations identified in Section 1 above.
- (8) The authorized capital stock of each of the constituent corporations is as follows:

<u>Constituent Corporation</u>	<u>Authorized Capital</u>	<u>Par Value</u>
Blaylock Trucking Company, Inc.	250	No par

PLAN AND AGREEMENT OF MERGER

THIS PLAN AND AGREEMENT OF MERGER is made as of this 11th day of August, 1989, by and among Blaylock Trucking Company, Inc. ("Blaylock"), Industrial Waste Disposal Co., Inc. ("IWD"), Pinnacle Road Landfill, Inc. ("Pinnacle"), Lake County Land Improvement, Inc. ("Lake County") and S.E.M., Inc. ("SEM"), all Ohio corporations (referred to herein singularly as a "Merging Corporation" and collectively as the "Merging Corporations"), and Waste Management of Ohio, Inc., a Delaware corporation (referred to herein as the "Survivor").

WHEREAS, Blaylock has an authorized capital stock consisting of 250 shares of common stock, no par value, of which 132 shares are issued and outstanding;

WHEREAS, IWD has an authorized capital stock consisting of 250 shares of common stock, \$100 par value per share, of which 250 shares are issued and outstanding;

WHEREAS, Pinnacle has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 10 shares are issued and outstanding;

WHEREAS, Lake County has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 200 shares are issued and outstanding;

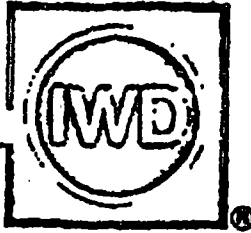
WHEREAS, SEM has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 100 shares are issued and outstanding;

WHEREAS, the Survivor has an authorized capital stock consisting of 1,000 shares of common stock, \$1.00 par value per share, of which 100 shares are issued and outstanding; and

WHEREAS, the respective Boards of Directors of the Merging Corporations and the Survivor deem it advisable and generally to the advantage and welfare of the parties and their respective stockholders that the Merging Corporations merge with the Survivor under and pursuant to the provisions of the General Corporation Law of the State of Ohio and of the General Corporation Law of the State of Delaware.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements herein contained and of the mutual benefits hereby provided, it is agreed by and between the parties hereto as follows:

1. **MERGER.** Each of the Merging Corporations shall be and it hereby is merged with and into the Survivor.
2. **EFFECTIVE TIME.** This Plan and Agreement of Merger shall become effective at 11:59 p.m. upon the later to occur of August 31, 1989 or the date of the filing of documents required to effectuate the merger hereby contemplated in compliance with the laws of the States of Ohio and Delaware, the time of such effectiveness being hereinafter called the Effective Time.



INDUSTRIAL WASTE DISPOSAL CO., INC.
P. O. BOX 1453 3975 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

May 7, 1980

Dayton Tire & Rubber
P.O. Box 96
2342 Riverside Drive
Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste disposal by listing in chronological order the sanitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1966, your waste was taken to both the above Groves Landfill and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Dorothy Lane.
- (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the east side of Valleycrest Drive.
- (D) From 1971 to 1976, two sites were used; North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the west side of Valleycrest Drive, and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- (E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
- (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill Inc. (a subsidiary of IWD) located on Pinnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

SDD_00408

WMO-EPA00077

INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber
Mr. Ralph Ball
May 7, 1980
Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DTR which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel
Vice President of Sales

DEM:kb

100937

SDD_00409

WMO-EPA00078



NORTH
SANITARY
LANDFILL, INC.

4220 Pinnacle Road
Dayton, Ohio 45439
(513) 263-3501

June 9, 1981

USEPA Region V
Sites Notification
Chicago IL 60604

Dear Sir:

A completed EPA Form 8900-1 submitted by North Sanitary Landfill, Inc. ("NSL") is enclosed. NSL is a past operator of the Valley Creek Landfill.

The form identifies an approved site at which municipal, industrial, and commercial wastes have been disposed. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to fill a notification when one is required, NSL is today submitting the enclosed form in order to fulfill any reporting obligation it may have under Section 103(c) of Superfund.

However, NSL believes that the presence of any such wastes should be viewed in the context of the ordinary operation of a municipal solid waste facility. That is to say, any such "hazardous waste" would have been disposed of in connection with much larger quantities of solid waste which EPA has not identified as hazardous. This is a practice which EPA has indicated is likely to minimize problems attributable to hazardous waste. 45 Fed. Reg. 33104, May 19, 1980. We also believe the preponderance of the small amount of hazardous waste which may have been disposed at the site would have come from generators of small quantities of such waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste. Lastly, in light of on-going monitoring, we believe that the wastes disposed of at this site do not pose a threat to human health or the environment.

While the possibility of a "release" cannot be ruled out completely, it is our view that the circumstances in which the waste is disposed make it unlikely that an environmental release of hazardous waste would occur.

JUN 11 1981

Printed on the back of this page

WMO-EPA00080



USEPA Region V
June 9, 1981
Page-2-

Although NSL has not been able to estimate confidently the amount and area of any hazardous waste which might have been disposed in this site from reasonably available records in the limited time which was available and given the depth of inquiry contemplated by the law in order to complete Section C of the form, we believe that the types and amounts of any such wastes disposed at the site should not be significant for the reasons outlined above.

If you would like further information concerning this matter, please contact me.

Sincerely,

NORTH SANITARY LANDFILL, INC.

John A. Barbush
General Manager

JAB: jep

WJA

JUN 11 1981

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 9, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

CH 1/32 81 06 11

OHS-000-001-252

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name North Sanitary Landfill, Inc.
Street 4220 Pinnacle Road
City Dayton State OH Zip Code 45419

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site North Sanitary Landfill
Street 200 Valleycrest
City Dayton County Montgomery State OH Zip Code 45404

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) Barbush, John General Manager
Phone 513-263-3501

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) 1966 To (Year) 1975

E Waste Type: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Waste:
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

1. ☒ Organics
2. ☒ Inorganics
3. ☐ Solvents
4. ☐ Pesticides
5. ☐ Heavy metals
6. ☐ Acids
7. ☐ Bases
8. ☐ PCBs
9. ☒ Mixed/Municipal Waste
10. ☐ Unknown
11. ☒ Other (Specify)

See cover letter

Source of Waste:
Place an X in the appropriate boxes.

1. ☐ Mining
2. ☒ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☐ Chemical, General
9. ☐ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☒ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☐ Unknown
18. ☒ Other (Specify)

See cover letter

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste:
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

000027 JUN 11 81

JUN 11 1981

Notification of Hazardous Waste Site

Side Two

<p>F Waste Quantity:</p> <p>Place an X in the appropriate boxes to indicate the facility types found at the site.</p> <p>In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.</p> <p>In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.</p>	<p>Facility Type</p> <p>1. <input type="checkbox"/> Piles</p> <p>2. <input type="checkbox"/> Land Treatment</p> <p>3. <input checked="" type="checkbox"/> Landfill</p> <p>4. <input type="checkbox"/> Tanks</p> <p>5. <input type="checkbox"/> Impoundment</p> <p>6. <input type="checkbox"/> Underground Injection</p> <p>7. <input type="checkbox"/> Drums, Above Ground</p> <p>8. <input type="checkbox"/> Drums, Below Ground</p> <p>9. <input type="checkbox"/> Other (Specify) _____</p>	<p>Total Facility Waste Amount</p> <p>cubic feet <u>See cover letter</u></p> <p>gallons _____</p> <p>Total Facility Area</p> <p>square feet _____</p> <p>acres <u>75</u> <u>A</u></p>
---	---	---

G Known, Suspected or Likely Releases to the Environment:

Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment.

☐ Known ☐ Suspected ☐ Likely ☐ None

See cover letter

Note: Items Hand I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

I Description of Site: (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

This was a sanitary landfill in which municipal, commercial, and industrial waste from the Dayton area was disposed. Sanitary landfill disposal method was used, i.e., landfill equipment pushed and compacted the trash, and earth was used as cover material.

J Signature and Title:

The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address (if different than address in Item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name	North Sanitary Landfill, Inc.			<input type="checkbox"/> Owner, Present
Street	4220 Pinnacle Road			<input type="checkbox"/> Owner, Past
City	Dayton	State	OH	<input type="checkbox"/> Transporter
		Zip Code	45418	<input type="checkbox"/> Operator, Present
Signature	<u>John A. Burkhardt</u>			<input checked="" type="checkbox"/> Operator, Past
	6-9-81			<input type="checkbox"/> Other



BLAYLOCK TRUCKING COMPANY, Inc.
P.O. BOX 1325-2828 BERTWYNN DRIVE-DAYTON, OHIO 45401
TEL: 513 294-7717

June 9, 1981

EPA Region V
Site Notification
Chicago, Illinois 60604

RE: Blaylock Trucking Co., Inc. - Disposal Sites

Dear Sirs:

Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities. Blaylock Trucking Co., Inc. ("Blaylock") has transported commercial, industrial, and municipal solid wastes to the sites listed on the attached appendix. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to file a notification when one is required, Blaylock is submitting this letter to fulfill its reporting obligation under Section 103(c) of Superfund.

Because Blaylock neither owns nor operates any of these facilities we are not in possession of reasonably available records which would indicate the specific areas, types and quantities of "hazardous" wastes disposed at these sites. Moreover, because any such hazardous wastes would have been disposed of in connection with much larger quantities of solid waste which EPA has classified as non-hazardous, there are no reasonably available records which would accurately reflect quantities of hazardous waste which might have been delivered to these disposal sites. However, we believe the preponderance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste.

If you would like further information concerning this matter, please contact me.

Sincerely,


Michael J. Quigley
Division Manager/Solid Waste Collections

MJQ:lgl

Enclosure

JUN 11 1981

DAYTON - DISPOSAL SITES

Sanitary Landfill
1895 Cardington Rd.
Morraine, Ohio

City of Greenville Landfill
U.S. Route 371
Greenville, Ohio

✓ North Sanitary Landfill
200 E. Valley Crest Drive
Dayton, Ohio

North Sanitary Landfill
4220 Pinnacle Road
Morraine, Ohio

Sanitary Landfill
2601 Dornbush Lane
Morraine, Ohio

Montgomery County Incinerator
North Plant-6589 Webster Street
Dayton, Ohio

SCA
4086 Powell Road
Dayton, Ohio

Montgomery County Incinerator
South Plant
2150 Hartway Drive
Morraine, Ohio

JUN 11 1980

Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 8, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

81 06 09
06319 OHS-0001-001-257

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name: SLAYLOR TRUCKING CO., INC.
Address: P.O. Box 15205, 2828 BARTON, NC 27601
City: RASTON State: VA Zip Code: 22401

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site: NORTH SANITARY LANDFILL
Address: 200 E. VALLEY CREST DRIVE
City: RASTON State: VA Zip Code: 22404

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title): Quinley, Richard J. Mgr. Env.
Phone: (513) 234-7717

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) To (Year)

E Waste Type: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Waste:
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

1. ☐ Organics
2. ☐ Inorganics
3. ☐ Solvents
4. ☐ Pesticides
5. ☐ Heavy metals
6. ☐ Acids
7. ☐ Bases
8. ☐ PCBs
9. ☐ Mixed Municipal Waste
10. ☐ Unknown
11. ☐ Other (Specify)

Source of Waste:
Place an X in the appropriate boxes.

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☐ Chemical, General
9. ☐ Plating/Pollishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☐ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☐ Unknown
18. ☐ Other (Specify)

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste:
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

000609 JUN 9 81

Form Approved
OAS 24-200-0118
EPA Form 8500-1

JUN 11 1981

F Waste Quantity:
Place an X in the appropriate boxes to indicate the facility types found at the site.
In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.
In the "total facility area" space, give the estimated area also which the facilities occupy using square feet or acres.

Facility Type	Total Facility Waste Amount	Total Facility Area
1. <input type="checkbox"/> Piles	cubic feet	
2. <input type="checkbox"/> Land Treatment	gallons	
3. <input checked="" type="checkbox"/> Landfill		
4. <input type="checkbox"/> Tanks		
5. <input type="checkbox"/> Impoundment	square feet	
6. <input type="checkbox"/> Underground Injection	acres	
7. <input type="checkbox"/> Drums, Above Ground		
8. <input type="checkbox"/> Drums, Below Ground		
9. <input type="checkbox"/> Other (Specify)		

G Known, Suspected or Likely Releases to the Environment:
Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment. ☐ Known ☐ Suspected ☐ Likely ☐ None
Notes: Items Hand I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

I Description of Site: (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

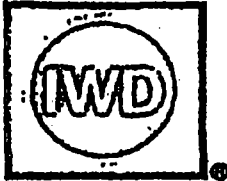
J Signature and Title:

The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address if different than address in Item A1. For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name _____	<input type="checkbox"/> Owner, Present
Address _____	<input type="checkbox"/> Owner, Past
City _____ State _____ Zip Code _____	<input type="checkbox"/> Transporter
Telephone _____	<input checked="" type="checkbox"/> Operator, Present
	<input type="checkbox"/> Operator, Past
	<input type="checkbox"/> Other

For signature see letter attached.

7.



INDUSTRIAL WASTE DISPOSAL CO., INC.

P.O. BOX 1432 2975 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

June 9, 1981

EPA Region V
Sites Notification
Chicago, Illinois 60604

RE: North Sanitary Landfill, Inc. - Valleycrest

Dear Sirs:

Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities. [Industrial Waste Disposal Co., Inc. ("IWD") transported commercial, industrial, and municipal solid wastes to the site listed in the enclosed form. In addition, North Sanitary Landfill, Inc., ("NSL"), a wholly-owned subsidiary of IWD, operated the Valleycrest Landfill. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to file a notification when one is required, IWD is submitting this letter to fulfill its reporting obligation under Section 103(c) of Superfund.

Because any hazardous wastes would have been disposed of in connection with much larger quantities of solid waste, there are no reasonably available records which would accurately reflect quantities of hazardous waste which might have been delivered to the site. Although neither IWD nor NSL has been able to estimate confidently the amount and area of any hazardous waste which might have been disposed in this site from reasonably available records in the limited time which was available and given the depth of inquiry contemplated by the law in order to complete Section G of the form, we believe that any such wastes disposed at the site should not be environmentally significant for the reasons outlined above. In addition, we believe the preponderance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal and industrial solid waste.

While the possibility of a "release" at Valleycrest cannot be completely ruled out, we believe that the circumstances in which the waste was disposed during the period of NSL's operation indicate that it is unlikely that an environmental release of hazardous waste would occur.

JUN 11 1981

INDUSTRIAL WASTE DISPOSAL CO., INC.

USEPA Region V
RE: North Sanitary Landfill, Inc. - Valleycrest
Page Two

If you would like further information concerning this matter, please contact me.

Sincerely,


Michael J. Quisley
Division Manager/Solid Waste Collections

MJQ:lql

Enclosure

JUN 11 1991

WMO-EPA00091

Notification of Hazardous Waste Site

U.S. Environmental Protection Agency
Washington DC 20460

This initial notification information is required by Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and must be mailed by June 8, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

OH #202 810609 OHS-000-001-254

A Person Required to Notify

Enter the name and address of the person or organization required to notify.

Name Industrial Waste Disposal Co., Inc.
Street P.O. Box 1453
City Dayton State OH Zip 45414

B Site Location

Enter the common name (if known) and actual location of the site.

Name of Site North Sanitary Landfill, Inc.
Street 200 Block of Valleycrest Drive
City Dayton County Montgomery State OH Zip 45404

C Person to Contact

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) Quigley, Michael J./Division Manager
Phone (513) 278-0821

D Dates of Waste Handling

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) 1980 To (Year) 1981

E Waste Types: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Wastes
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

- 1. ☐ Organics
- 2. ☐ Inorganics
- 3. ☐ Solvents
- 4. ☐ Pesticides
- 5. ☐ Heavy metals
- 6. ☐ Acids
- 7. ☐ Bases
- 8. ☐ PCBs
- 9. ☐ Mixed Municipal Waste
- 10. ☐ Unknown
- 11. ☐ Other (Specify) See cover letter

Source of Wastes
Place an X in the appropriate boxes.

- 1. ☐ Mining
- 2. ☒ Construction
- 3. ☐ Textiles
- 4. ☐ Fertilizer
- 5. ☐ Paper/Printing
- 6. ☐ Leather Tanning
- 7. ☐ Iron/Steel Foundry
- 8. ☐ Chemical, General
- 9. ☐ Plating/Polishing
- 10. ☐ Military/Ammunition
- 11. ☐ Electrical Conductors
- 12. ☐ Transformers
- 13. ☐ Utility Companies
- 14. ☒ Sanitary/Refuse
- 15. ☐ Photofinish
- 16. ☐ Lab/Hospital
- 17. ☐ Unknown
- 18. ☒ Other (Specify) Electrical Products Industry
Auto Mfg. Industry

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 381).

Specific Type of Wastes
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

000614 JUN 981

Form Approved
GSA Gen. Reg. No. 27
4A 7, rev 6-80-1

JUN 11 1981

☐ appropriate boxes to indicate any known, suspected, or likely releases to the environment. See cover letter.
☐ optional. Completing these items will assist EPA and State and local governments in locating and assessing sites. Although completing the items is not required, you are encouraged to do so.

Facility Type
 1. ☐ Piles
 2. ☐ Land Treatment
 3. ☒ Landfill
 4. ☐ Tanks
 5. ☐ Impoundment
 6. ☐ Underground Injection
 7. ☐ Drums, Above Ground
 8. ☐ Drums, Below Ground
 9. ☐ Other (Specify) _____

Total Facility Waste Amount
 pounds _____
 tons _____
 Data not reasonably available

Total Facility Area
 square feet _____
 Data not reasonably available

Site Location: (Optional)
 Draw a map showing the site location. You may substitute a drawing of the site location.

Location of Site: (Optional)
 Draw a map showing the site location. You may substitute a drawing of the site location.

Signature and Title:
 Name: Michael J. Quigley
 Address: P.O. Box 1453
 City: Dayton State: OH Zip: 45414
 Signature: [Signature] Date: 5/3/81

☐ Owner, Present
☐ Owner, Past
☐ Transporter
☒ Operator, Present
☐ Operator, Past
☐ Other